

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:08-CV-37-D

MYRA P. PHILLIPS,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**ORDER**

The Commissioner filed a request to remand this action for further administrative proceedings [D.E. 15]. Plaintiff opposes the motion [D.E. 14] and has moved for summary judgment [D.E. 10].

The court may enter a judgment affirming, modifying, or reversing the Commissioner's decision, and may remand an action under sentence four of section 405(g) of the Social Security Act. See 42 U.S.C. § 405(g). The court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), and remands the action to the Commissioner for reconsideration of the administrative determination with respect to plaintiff's claim of disability. See, e.g., Melkonyan v. Sullivan, 501 U.S. 89, 97–98 (1991); Shalala v. Schaefer, 509 U.S. 292, 296 (1993). In light of this remand order, plaintiff's motion for summary judgment is DENIED WITHOUT PREJUDICE as moot.

SO ORDERED. This 10 day of October 2008.

  
JAMES C. DEVER III  
United States District Judge